

**STATE BOARD OF FUNERAL AND CEMETERY SERVICE BOARD MEETING
THURSDAY JUNE 12, 2014
INDIANA GOVERNMENT CENTER SOUTH
302 W WASHINGTON STREET, ROOM W064
INDIANAPOLIS, IN 46204**

CALL TO ORDER

The meeting was called to order at 11:00 a.m. by David McComb, pursuant to public notice posted at the principal office of the board at least forty-eight (48) hours before the time of the meeting.

BOARD MEMBERS PRESENT: David McComb, Chairman
Samuel Frain, Vice Chairman
Matthew Drury
James Todd
John Gerlach
Theodore Mau
Roland Cutter

BOARD MEMBERS ABSENT: Paul St. Pierre
Anne M. Patterson
Tasha Smith, State Department of Health

STATE OFFICIALS PRESENT: Tracy Hicks, Board Director
Kevin McDowell, Deputy Attorney General

ADOPTION OF THE AGENDA

The agenda was adopted as amended.

Gerlach/Todd
6/0/0
Motion carried.

ADOPTION OF THE MINUTES OF APRIL 3, 2014 MEETING OF THE BOARD

The minutes of the April 3, 2014 meeting of the board were tabled.

Gerlach/Mau
7/0/0
Motion carried.

OFFICE OF THE ATTORNEY GENERAL REPORT

Written complaint statistic report also provided.

ADMINISTRATIVE HEARING IN THE MATTER OF TREVOR D'RON BRADLEY, FD20900022, SBFCS 14-04

A motion was made and seconded to hold the Respondent in Default.

Frain/Drury
4/0/3
Motion carried.

A motion was made and seconded to revoke the license, impose a fine of \$1000.00 to be paid within six months, impose the cost of the proceedings, require payment of \$5.00 to the Health Records and Personal Identifying Information Protection Trust Fund, and request notification of the revocation to the Department of Health to remove Respondent from the Death Registry System.

Todd/Frain
4/0/3
Motion carried.

ADMINISTRATIVE HEARING IN THE MATTER OF RODNEY SCOTT WILKINSON, SR., FD29600083, SBFCS 14-05

A motion was made and seconded to hold the Respondent in Default.

Frain/Cutter
4/0/3
Motion carried.

A motion was made and seconded to revoke the license, impose a fine of \$1000.00 per violation for a total of \$2000.00 to be paid within six months, impose the cost of the proceedings, require payment of \$5.00 to the Health Records and Personal Identifying Information Protection Trust Fund, and request notification of the revocation to the Department of Health to remove Respondent from the Death Registry System.

Frain/Todd
4/0/3
Motion carried.

ADMINISTRATIVE HEARING IN THE MATTER OF HOWARD JAMES RAINEY, FD08601624, SBFCS 14-06

A motion was made and seconded to issue a Notice of Proposed Default

Frain/Cutter
4/0/3
Motion carried.

ADMINISTRATIVE HEARING IN THE MATTER OF MATTHEW J. FITZTHUM, FD29700015, SBFCS 14-03 AND FITZTHUM MORTUARY, LLC, FH11100016, SBFCS 14-02

A motion was made and seconded to place both licenses on probation for one year, subject the funeral home to random inspections, impose a fine of \$1000.00 per license for a total of \$2000.00, impose the cost of proceedings, and require payment of \$5.00 to the Health Records and Personal Identifying Information Protection Trust Fund.

Frain/Cutter
3/1/3
Motion failed.

A motion was made and seconded to place both licenses on probation for one year, subject the funeral home to random inspections, impose a fine of \$1000.00 per license for a total of \$2000.00, impose the cost of proceedings, and require payment of \$5.00 to the Health Records and Personal Identifying Information Protection Trust Fund.

Frain/Cutter
4/0/3
Motion failed.

Correspondence from Brocksmith-Blake & Wagler Funeral Home

It was the consensus of the board that the correspondence did not indicate a violation of statutes or rules.

Discussion of Reducing the Number of Board Meetings

It was the consensus of the board to cancel a meeting if there are no hearings scheduled, however the board must be able to meet the 180 day deadline to consider verified complaints requesting restitution from the preneed consumer protection fund.

Discussion of Renewal Options for Funeral Directors Lacking the Required Continuing Education

The board discussed this matter and the options the statutes provide for those that have not obtained the required continuing education by the renewal deadline.

Discussion of the Employment Requirement for Funeral Director Interns

The board recognized that the Indiana Department of Labor statutes prevent funeral homes from not compensating funeral director interns employed at the funeral home.

VERIFIED COMPLAINT REQUESTING RESTITUTION FROM THE PRENEED CONSUMER PROTECTION FUND

A. Steinke Funeral Home for Donald Spurgeon

Re: Lang Funeral Home, FH19300014 (Revoked)

A motion was made and seconded to approve the request.

Gerlach/Cutter
6/0/0
Motion carried.

B. Robert Gatheridge for William Bert Gatheridge

Re: R.D. Pyke Funeral Service, FH89200005 (Closed)

A motion was made and seconded to deny the request due to lack of information.

Mau/Gerlach
6/0/0
Motion carried.

C. David W. McComb for Martha Shaw

Re: Protective Life Insurance Company

A motion was made and seconded to deny the request.

Frain/Gerlach
5/1/0
Motion failed.

The matter will be discussed at the next scheduled meeting.

REVIEW OF CONTINUING EDUCATION SPONSORS AND COURSES

A motion was made and seconded to approve the following sponsors/courses.

Drury/Frain
4/0/3
Motion carried.

APPLICATION FOR RECOGNITION AS A SPONSOR OF CONTINUING EDUCATION

StoneMor University, 10501 North State Road 3, Muncie, IN 47303

- Refresh-Reward-Review 2014, Ongoing, 5 ceu

NEW COURSES FROM PREVIOUSLY APPROVED SPONSORS

Alexander Funeral Home, CE10800617

- Mass Fatality Planning, June 17, 2014 3 ceu

Cincinnati Equitable Life Insurance Company, CE21000943

- Building Your Aftercare Foundation, June 2014, 2 ceu
- Aftercare, Service that Builds Your Future, June 2014, 2 ceu
- Understanding the Buyer's Motivations, June 2014, 2 ceu
- Maximizing your Cremation Potential, June 2014, 2 ceu

Cremation Association of North America, CE21200016

- 96th Annual CANA Convention, August 6-9, 2014 6 ceu

Dodge Institute for Advanced Mortuary Studies, CE10800694

- Embalming-The Challenges & The Rewards, November 13&14, 2014, 9 ceu

FuneralCE, CE10800715

- Cremation Best Practices, Ongoing, 3 ceu
- Conflict Resolution for Funeral Directors, Ongoing, 3 ceu

Greater Cincinnati Funeral Service Association, CE10800729

- Solutions for Lower Back Pain, September 9, 2014, 2 ceu

Indiana State Coroners Association (ISCA) & Indiana State Coroners Training Board (CTB), CE10800754

- 2014 Dr. David Avolt Memorial Training Conference(workshop), June 19, 2014, 3 ceu
- 2014 Dr. David Avolt Memorial Training Conference(general session), June 20-22, 2014, 16 ceu

International Cemetery, Cremation & Funeral Association, CE10800864

- 2014 ICCFA University, July 18-23, 2014, 25 ceu

International Order of the Golden Rule, CE10800865

- Regional Workshop: Steering Funeral Homes Toward a Profitable Future, July 8, 2014, 5 ceu

- Regional Workshop: Steering Funeral Homes Toward a Profitable Future, September 10, 2014 5 ceu

Matthews International, CE10800858

- The 10 Arrangement Steps Essential for Families Selecting Cremation, ongoing, 1 ceu
- Moving from Grieving to Remembrance, ongoing, 1 ceu
- The Beauty, Characteristics and Value of American Woods Used In the Art of Casket Construction, ongoing, 1 ceu
- The Beauty, Characteristics and Values of Enduring Metals Used in the Art of Casket Assembly, ongoing, 1 ceu

National Funeral Directors & Morticians, CE10800785

- Annual National Convention and Exposition, August 2-7, 2014, 28 ceu

Selected Independent Funeral Homes, CE10800819

- Funeral Homes 2014 Annual Meeting, September 17-20, 2014, 10 ceu

Vincennes University Funeral Service Education Program, CE10800844

- OSHA: Formaldehyde, Bloodborne Pathogen, HAZCOM Standards, May 1 & 12, 2014, 3 ceu
- Indiana Funeral Services Laws and Practices, May 1 & 12, 2014, 4 ceu

ADJOURNMENT

There being no further business to discuss, the meeting was adjourned at 1:53 p.m.